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Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the combined third and fourth periodic reports of Jamaica*

1. The Committee considered the consolidated third and fourth periodic reports of Jamaica (CRC/C/JAM/3–4) at its 1951st and 1953rd meetings (see CRC/C/SR.1951 and 1953), held on 19 and 20 January 2015, and adopted the following concluding observations at its 1983rd meeting (see CRC/C/SR.1983), held on 30 January 2015.

I. Introduction

2. The Committee welcomes the submission of the State party's consolidated third and fourth periodic reports, and the written responses to the list of issues (CRC/C/JAM/Q/3–4/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses its appreciation for the constructive dialogue held with the high-level delegation of the State party.

II. Follow-up measures undertaken and progress achieved by the State party

3. The Committee also notes with appreciation the ratification of or accession to the:

(a) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2011;

(b) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in 2008;

(c) United Nations Convention against Corruption, in 2008;

(d) Convention on the Rights of Persons with Disabilities, in 2007;

(e) United Nations Convention against Transnational Organized Crime, in 2003;

(f) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2003;

* *Adopted by the Committee at its sixty-eighth session (12–30 January 2015).*

(g) Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, in 2003.

4. The Committee welcomes the adoption of the following legislative measures, among others:

(a) Disabilities Act, 2014;

(b) Criminal Justice (Suppression of Criminal Organizations) Act, 2013;

(c) Trafficking in Persons (Prevention, Suppression and Punishment) Act of 2007 (amended in 2013);

(d) Charter of Fundamental Rights and Freedoms (Constitutional Amendment) Act, 2011;

(e) Cybercrimes Act, 2010;

(f) Child Pornography (Prevention) Act of October 2009;

(g) Sexual Offences Act, 2009;

(h) Child Care and Protection (Children's Homes) Regulations, June 2007;

(i) Victim's Charter of 2006.

5. The Committee also welcomes the following institutional and policy measures:

(a) National Development Plan: Vision 2030 Jamaica;

(b) National Health Policy (2006–2015);

(c) National Plan of Action on Child Labour (2013);

(d) National Strategic Plan for Early Childhood Development (2008–2013);

(e) National Strategic Plan on HIV/AIDS (2007–2012).

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)

The Committee's previous recommendations

6. The Committee, while welcoming the State party's efforts to implement the Committee's concluding observations of 2003 (CRC/C/15/Add.210) on the State party's second periodic report (CRC/C/70/Add.15), notes with regret that many of the recommendations contained therein have not been fully addressed.

7. **The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the second periodic report (CRC/C/15/Add.210) under the Convention that have not been implemented or sufficiently implemented.**

Legislation

8. The Committee welcomes the adoption of the Child Care and Protection Act, 2004 as the legislative framework for the implementation of the Convention in the State party, along with other relevant legislation, and notes that the Act is currently being reviewed with

a view to bringing the legislation further into line with the Convention. The Committee, however, is concerned that inadequate human and financial resources have been provided for the full and effective implementation of the Act.

9. **The Committee reiterates its previous recommendation (CRC/C/15/Add.210, para. 8) to ensure that sufficient human and financial resources are provided for the full and effective implementation of the Child Care and Protection Act. It also recommends that the State party finalize the review of the Act and enact amendments thereto to ensure that the Act is fully compatible with the principles and provisions of the Convention, ensuring the effective implementation of child-related laws at the national, provincial and municipal levels.**

Comprehensive policy and strategy

10. The Committee notes the existence of various national plans of action relating to children. However, it is concerned about the delay in the adoption and implementation of the draft National Framework of Action for Children, as recommended by the Committee in its previous recommendation (CRC/C/15/Add.210, para. 14), for a more comprehensive policy and strategy to effectively monitor progress in the implementation of children's rights throughout the country.

11. **The Committee recommends that the State party expedite the adoption of the National Framework of Action for Children and ensure the development of a strategy for its full implementation, including specific time-bound and measurable goals and targets to effectively monitor and evaluate progress in the implementation of children's rights throughout the State party. The national strategy should additionally be linked to national, sectoral and municipal strategies and budgets to ensure appropriate allocation of the human, technical and financial resources required for its implementation.**

Coordination

12. The Committee notes the establishment of a mechanism for the coordination of all activities relating to the implementation of the Convention, comprised of the Office of the Children's Advocate, the Office of the Children's Registry and the Child Development Agency. It also notes information regarding the establishment of an interministerial committee, and of the Child and Adolescents Division within the Ministry of Youth and Culture, both of which coordinate policies relating to the rights of the child. The Committee is, however, concerned that there is no single identifiable governmental body with a clear mandate, necessary authority and resources to carry out effectively the role of a monitoring and evaluation mechanism with respect to all laws, policies and programmes relating to the rights of the child throughout the country.

13. **The Committee reiterates its previous recommendation (CRC/C/15/Add.210, para. 10) that the State party establish an appropriate body at a high interministerial level with a clear mandate and sufficient authority to coordinate all activities relating to the implementation of the Convention at cross-sectoral, national, regional and local levels. The State party should ensure that the coordinating body is provided with the necessary human, technical and financial resources for its effective operation.**

Allocation of resources

14. In the light of the current financial crisis, the Committee notes the State party's efforts to allocate resources towards achieving important child-related goals together with international development and funding partners. The Committee also notes the Government's commitment to sustained economic and social development, notably through

its long-term National Development Plan: Vision 2030 Jamaica. The Committee is, however, concerned about the number of children living in poverty, and the negative effects of austerity measures on public spending, which affect benefits and services provided to families with children. The Committee is further concerned about the lack of data on the proportion of budgetary allocations for the implementation of children's rights under the Convention and on specific information on the impact of austerity measures on children in the State party.

15. **In the light of its day of general discussion in 2007 on "Resources for the rights of the child — responsibility of States", the Committee urges the State party to:**

(a) Establish a budgeting process, which includes a child-rights perspective and specifies clear allocations to children in the relevant sectors and agencies, including specific indicators and a tracking system;

(b) Define strategic budgetary lines for children in disadvantaged or vulnerable situations who may require affirmative social measures, and make sure that those budgetary lines are protected even in situations of economic crisis, natural disasters and emergencies, especially with respect to health and education;

(c) Establish mechanisms to monitor and evaluate the efficacy, adequacy and equitability of the distribution of resources allocated to the implementation of the Convention;

(d) Provide disaggregated information on the proportion of the national budget allocated to the implementation of the rights of the child at the national and local levels.

Data collection

16. The Committee welcomes the establishment of a comprehensive database (JamStats) capturing a wide range of social and economic indicators on the various aspects of children's lives as well as initiatives to strengthen existing data collection and management processes. The Committee also notes efforts to "institutionalize" the JamStats database in all relevant ministries, agencies and civil society organizations, and to train stakeholders. The Committee is, however, concerned about gaps in the overall data collection apparatus of the State party, in particular with respect to children with disabilities, children in situations of migration, children in street situations, child labour and lesbian, gay, bisexual, transgender and intersex children.

17. **The Committee recommends that the State party continue to strengthen data collection and management processes, and to systematize the database system among all stakeholders, as well as capacity-building for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention. The data should cover all areas of the Convention and be disaggregated by age, sex, disability, geographic location, ethnic origin, migration status and socioeconomic background.**

Independent monitoring

18. The Committee welcomes the establishment in 2005 of the Office of the Children's Advocate, and information in the report of the State party regarding the activities of the Office, including public-awareness seminars and presentations, as well as the role of civil society monitoring bodies. The Committee is, however, concerned that the Office is not fully independent and is not being provided with adequate personnel or financial resources to fulfil its mandate.

19. **In the light of its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, the Committee recommends that the State party ensure the independence of the Office of the Children's Advocate, including with regard to its funding, mandate and immunities, so as to ensure full compliance with the Paris Principles. To that effect, the Committee recommends that the State party seek technical cooperation from, among others, the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF) and the United Nations Development Programme (UNDP).**

Dissemination, awareness-raising and training

20. The Committee welcomes various training initiatives and the development of training protocols and guidelines on children's rights, as well as the efforts of the State party to promote the Convention through public education and awareness-raising programmes, including campaigns. The Committee is concerned, however, that professional groups, children, parents and the public at large are generally not sufficiently aware of the Convention, and that the Convention is not systematically disseminated.

21. **The Committee reiterates its previous recommendation (CRC/C/15/Add.210, para. 20) that the State party continue to strengthen efforts to ensure systematic, mandatory and ongoing training on children's rights, as well as awareness-raising programmes including campaigns, among children, families and professionals working with and/or for children, particularly teachers, early childhood workers, social workers, health service personnel, members of the legal profession, and law enforcement officials.**

B. General principles (arts. 2–3, 6 and 12 of the Convention)

Best interests of the child

22. The Committee welcomes the adoption of the Child Care and Protection Act of 2004 which outlines the best interests of the child standard as the primary consideration with respect to a wide range of areas. However, the Committee reiterates its concern (CRC/C/15/Add.210, para. 27) about insufficient information regarding the State party's efforts to ensure the right of the child to have his or her best interests taken into account as a primary consideration in all actions, and to apply that right in all legislation, administrative and judicial proceedings, policies and programmes relating to children. The Committee is specifically concerned about the right of the child to have his or her best interests taken into account in criminal proceedings concerning his or her parents, including in sentencing guidelines.

23. **In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently applied in all legislation, administrative and judicial proceedings and decisions, as well as in all policies, programmes and projects that are relevant to and have an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration.**

Right to life, survival and development

24. The Committee welcomes information that the overall rate of violent crime has been declining. It also welcomes the various initiatives to combat gang violence, including intervention and youth programmes. The Committee is nevertheless concerned about the high rate of crime and violence, the number of children who are murdered and, in particular, gang violence in poor inner-city communities, which has a significant impact on the lives of children, as victims and perpetrators. The Committee is further concerned that the climate of fear, insecurity, threat and violence linked to gangs in the State party impedes children from enjoying their childhood and adolescence.

25. **The Committee urges the State party to adopt and implement a national strategy with a coordinated and structured approach to address key issues and challenges pertaining to children as victims, perpetrators and witnesses of acts of violence and abuse, which should include the draft National Plan of Action for an Integrated Response to Children and Violence. The Committee also recommends that the State party invest in prevention activities, with an emphasis on the school and the family as well as social inclusion measures. The Committee additionally recommends that the State party address the social factors and root causes of juvenile violence and gangs, such as, inter alia, social exclusion, lack of opportunities, culture of violence, and migration flows.**

Respect for the views of the child

26. The Committee notes the State party's efforts to ensure respect for the views of the child in courts, schools, the family and relevant administrative processes, as well as in judicial proceedings. The Committee also notes the numerous child participation initiatives by various government agencies, including the Child Development Agency and the Office of the Children's Advocate. The Committee is concerned, however, that traditional and cultural practices do not readily accommodate and recognize the views of the child in the home, alternative care centres, schools and communities; and that respect for the views of the child is not adequately implemented in practice in all relevant areas and at the national and local levels.

27. **The Committee, in the light of its general comment No. 12 (2009) on the right of the child to be heard, recommends that the State party:**

(a) Take measures to ensure the effective implementation of legislation recognizing the right of the child to be heard in relevant legal and administrative proceedings;

(b) Develop toolkits for public consultation on national policy development to standardize such consultation at a high level of inclusiveness and participation, including consulting with children on issues that affect them;

(c) Conduct awareness-raising programmes, including campaigns, to promote the meaningful and empowered participation of all children within the family, in particular with regard to family decisions affecting their lives, in alternative care centres, communities and schools, including in student council bodies, with particular attention to children in vulnerable situations.

C. Civil rights and freedoms (arts. 7, 8 and 13–17 of the Convention)

Birth registration/name and nationality

28. The Committee commends the State party for the very high rate of birth registration in the State party. The Committee is concerned, however, about the number of children without birth certificates, especially in rural areas.

29. **The Committee recommends that the State party strengthen efforts to ensure that all children are provided with birth certificates free of charge, including through mobile units and outreach programmes in remote areas of the State party.**

D. Violence against children (arts. 19, 24, para. 3, 28, para. 2, 34, 37 (a) and 39 of the Convention)

Corporal punishment

30. The Committee notes the significant progress in enacting legislation prohibiting corporal punishment in the penal system, alternative care settings and early childhood institutions, in particular, the Early Childhood Act, the Child Care and Protection Act and the Act to Provide for the Regulation and Management of Early Childhood Institutions. The Committee is concerned, however, that corporal punishment remains lawful in the home and in schools, is widely accepted in society, and continues to be practised in the State party.

31. **In line with its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, and general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee recommends that the State party:**

(a) Amend its legislation explicitly to prohibit corporal punishment in all settings, including the family, schools and institutions, and to repeal the common law right to inflict "reasonable and moderate" punishment;

(b) Finalize and approve the draft National Safe School Policy which addresses the use of corporal punishment in schools;

(c) Promote positive, non-violent and participatory forms of child-rearing and discipline as an alternative to corporal punishment, and expand parenting education programmes and training for school principals, teachers and other professionals working with and for children;

(d) Strengthen and expand its efforts through awareness-raising campaigns to inform the public in general about the negative impact of corporal punishment on children and actively involve children and the media in the process.

Abuse and neglect

32. The Committee notes that the State party has undertaken various initiatives to address the issue of abuse and neglect of children, including the adoption of the Domestic Violence Act of 2004, the establishment of the Children Support Task Force and the introduction of the Violence-Related Injuries Surveillance System in hospitals. The Committee also notes the information that, owing to various initiatives, the number of missing children has declined. The Committee is nonetheless concerned about the number of cases of child abuse and neglect, as well as the issue of missing children. The Committee is further concerned about weak parenting skills, especially poor management of discipline,

poverty and isolation, family violence and weak community support systems, which are predominant factors for abuse and neglect of children.

33. **The Committee recommends that the State party:**

(a) Formulate a comprehensive strategy for preventing and combating child abuse in all settings, including adopting and implementing the necessary legislation and policies without delay, in particular the National Plan of Action for an Integrated Response to Children and Violence (2012–2017);

(b) As part of the national strategy, establish an easily accessible mechanism for children and others to report cases of abuse and neglect, and missing children, ensuring the necessary protection for victims in such cases, as well as to monitor, prevent and take action on behalf of children at risk;

(c) Further strengthen awareness-raising and education programmes, including campaigns, with the involvement of children;

(d) Facilitate the physical and psychological rehabilitation of child victims and ensure access for them to health services, including mental health services;

(e) Establish a national database on all cases of domestic violence against children, and undertake a comprehensive assessment of the extent, causes and nature of such violence;

(f) Ensure that all professionals and staff working with and for children are provided with the necessary training, and provide systematic training to judges, prosecutors, the police and other law enforcement officers on how to prevent and monitor domestic violence and receive, investigate and prosecute complaints about such violence in a child and gender-sensitive manner;

(g) Encourage community-based programmes aimed at preventing and addressing domestic violence, child abuse and neglect, and the issue of missing children, including by involving former victims, volunteers and community members, and providing them with training support.

Sexual exploitation and abuse

34. The Committee welcomes the Early Childhood Act and the Early Childhood Regulations, 2005, the Sex Offenders Registry and the Ananda Alert System and notes that government institutions and non-governmental organizations provide services and support to child victims of sexual abuse. However, the Committee is very concerned about the high rate of sexual abuse in the State party, including incest. The Committee is also concerned about the lack of information on the number of investigations of cases of sexual abuse and on the outcomes of trials of such cases, including the penalties for perpetrators and the redress and compensation offered to victims.

35. **The Committee urges the State party to:**

(a) Establish mechanisms, procedures and guidelines to ensure mandatory reporting of cases of child sexual abuse and exploitation;

(b) Conduct awareness-raising and education programmes to combat the stigmatization of victims of sexual exploitation and abuse, including incest, and ensure accessible, confidential, child-friendly and effective reporting channels for such violations;

(c) Ensure that all professionals and staff working with and for children are provided with the necessary training and supervision, and are the subject of the necessary background checks; provide systematic training to law enforcement

officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute complaints in a child and gender-sensitive manner that respects the privacy of the victim; and ensure that child protection agencies are adequately staffed and funded;

(d) Ensure that acts of sexual abuse and exploitation are investigated effectively and that perpetrators are brought to justice;

(e) Ensure the development of programmes and policies for the prevention, recovery and social reintegration of child victims, in accordance with the outcome documents adopted at the World Congresses against Commercial Sexual Exploitation of Children.

E. Family environment and alternative care (arts. 5, 9–11, 18, paras. 1–2, 20, 21, 25 and 27, para. 4, of the Convention)

Family environment

36. While welcoming the National Parenting Policy and social support programmes and services for families, as well as other poverty-reduction initiatives, the Committee is concerned that many families, in particular those in situations of poverty, receive insufficient assistance in the performance of their child-rearing responsibilities, especially family counselling and parenting education programmes. The Committee is also concerned about limited access to day care for children under 3 years of age, especially for middle- and low-income families.

37. **The Committee recommends that the State party:**

(a) Intensify its efforts to render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities, in particular in situations of poverty, and especially to female-headed households, including by strengthening the system of family benefits and child allowances, and other services, including affordable day care;

(b) Finalize the development of and implement the National Poverty Eradication Programme in keeping with the National Development Plan: Vision 2030 Jamaica, and implement the Social Protection Strategy;

(c) Expand family counselling and parenting education programmes, and other programmes, including the Programme of Advancement through Health and Education (PATH), the Effective Parenting Campaign, the Steps-to-Work programme and the Roving Caregivers Programme to strengthen capacity-building of parents.

Children deprived of a family environment

38. The Committee welcomes the budgetary increases for the Child Development Agency, which provides placement and supervision of children in residential children's homes and places of safety, as well as information that many of the recommendations contained in the Keating Report regarding children's homes and places of safety have been implemented. It also welcomes information that children deemed "uncontrollable" will no longer be criminalized, as well as information concerning the construction of a transitional facility for girls leaving the care system. The Committee additionally notes the efforts of the State party to encourage foster parenting, which have resulted in an increase in the number of children placed in foster care. The Committee is concerned, however, about the following:

(a) Continued institutionalization of children and institutional abuse of children, as well as the number of critical incidents in childcare facilities;

(b) Inadequate monitoring of conditions in children's homes and foster care, the inadequate number of institutional childcare providers and the insufficient training of such providers;

(c) Inadequate financial support and psychological support for foster families.

39. **The Committee recommends that the State party undertake the following measures, taking into account the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex):**

(a) Further strengthen the support provided to biological families in order to prevent out-of-home placements;

(b) Increase efforts to ensure that children in need of alternative care are placed in family-based care rather than in institutions, and that they maintain contact with or are returned to their families whenever possible, with a view to avoiding the institutionalization of children;

(c) Ensure adequate safeguards and clear criteria, based on the needs as well as the best interests of the child, for determining whether a child should be placed in alternative care;

(d) Ensure periodic review of the placement of children in foster care and children's homes, and monitor the quality of care therein, including by providing accessible channels for reporting, monitoring and remedying maltreatment of children;

(e) Ensure that adequate human, technical and financial resources are allocated to alternative care centres and relevant child protection services, in order to facilitate the rehabilitation and social reintegration of children in care to the greatest extent possible;

(f) Increase training for staff dealing with children in alternative care, including staff sensitization training sessions by the Child Development Agency, and the development and dissemination of relevant tools, such as the *Child Abuse Prevention and Control in Residential Care Facilities Handbook*;

(g) Increase financial support to foster parents and provide psychosocial support to both foster children and foster families;

(h) Implement the remaining recommendations contained in the Keating Report.

Adoption

40. The Committee welcomes information that the backlog regarding adoption cases is being addressed, but is, nevertheless, concerned about the lengthy process for adoption and the backlog. It is also concerned that the State party has not yet ratified the 1993 Hague Convention on the Protection of Children and Co-operation in respect of Intercountry Adoption.

41. **The Committee recommends that the State party review current legislation and policies on adoption, with a view to ensuring that the best interests of the child are of primary consideration and that relevant legislation and policies are in line with the Convention. The Committee also recommends that the adoption system be strengthened to address the backlog in cases by ensuring that there are sufficient officers to handle adoption cases, conduct the necessary investigations and prepare the**

requisite documents. The Committee further recommends that the State party streamline the adoption process, including by amending the 1958 Adoption Act. The Committee additionally recommends that the State party consider becoming party to the 1993 Hague Convention on the Protection of Children and Co-operation in respect of Intercountry Adoption.

F. Disability, basic health and welfare (arts. 6, 18, para. 3, 23, 24, 26, 27, paras. 1–3, and 33 of the Convention)

Children with disabilities

42. The Committee welcomes the numerous initiatives to ensure that the rights of children with disabilities are fully respected, including the adoption in 2014 of the Disabilities Act, the National Strategic Plan for Early Childhood Development (2014–2018), the Early Stimulation Programme, the National Policy for Persons with Disabilities and a new curriculum to address the needs of children with disabilities. The Committee is nonetheless concerned that:

(a) There is insufficient coordination at the national level for the implementation of laws and policies regarding children with disabilities;

(b) Children with disabilities continue to face discrimination and are not effectively integrated into all areas of social life, including the education system;

(c) Training for teachers who work with children with disabilities is insufficient;

(d) There is a lack of public awareness of the rights of children with disabilities;

(e) There is insufficient support for caregivers of children with disabilities;

(f) Sufficient and adequate facilities for children with disabilities, including schools, sports and leisure facilities and residential facilities are lacking.

43. **In the light of article 23 of the Convention and of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability, and specifically recommends that it:**

(a) Continue to strengthen its efforts to coordinate laws and policies for the promotion and protection of the rights of children with disabilities at the national level, including by implementing the Disabilities Act and the Policy on Special Education;

(b) Ensure that schools provide inclusive education, that both schools and care facilities are accessible, and adequately staffed and funded, and that children with disabilities are treated with dignity and respect, and benefit from effective protection;

(c) Ensure that training is provided for professionals working with children with disabilities, such as teachers, social workers and health, medical, therapeutic and care personnel, and undertake sustained public awareness campaigns to familiarize the public and other stakeholders with the rights of children with disabilities;

(d) Strengthen the provision of support to caregivers of children with disabilities, including by increasing the Special Rehabilitation Grant;

(e) Take all necessary measures to ensure that children with disabilities are fully integrated into all areas of social life, including schools, sport and leisure

activities, and that facilities and other public areas are accessible to children with disabilities.

Health and health services

44. The Committee commends the State party for the decrease in infant mortality rates and the relatively high vaccination coverage of children. It also welcomes information that the State party has made advances in promoting children's health, including the removal of fees for treatment at all government hospitals and clinics in the State party, the provision of subsidized drugs through the National Health Fund and the introduction of the Child Health and Development Passport in 2010. The Committee is concerned, however, about perinatal mortality levels, the increase in maternal mortality, persistent levels of undernourishment among the poorest children, the general shortage of health-care providers and the lack of access by children to quality health care, the low levels of breastfeeding and the high proportion of children classified as overweight or obese.

45. **The Committee, in the light of its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (art. 24), recommends that the State party:**

(a) Continue to strengthen efforts to ensure adequate provision of prenatal and postnatal care, as well as address the increase in maternal mortality;

(b) Introduce targeted interventions to prevent the undernourishment of children, including the promotion of proper infant and young child feeding practices;

(c) Increase the number and coverage of health-care professionals to ensure access by children to quality health-care services;

(d) Take action to increase the practice of exclusive breastfeeding for the first six months, through awareness-raising measures, including campaigns, and the provision of information and training to relevant officials, particularly staff working in maternity units, and parents;

(e) Regulate the marketing of breast-milk substitutes;

(f) Combat obesity among children, intensify measures to raise awareness of healthy nutrition among parents, children and the public in general, and promote healthy eating habits, particularly among young children and adolescents.

Mental health

46. The Committee welcomes the development of the Mental Health Strategic Plan and the expansion of mental health services in the State party. The Committee also notes the study on suicidal behaviour undertaken by the Mental Health Unit within the Ministry of Health. The Committee is concerned, however, that there is limited access to mental health care and psychosocial rehabilitation for children, especially in relation to depression and suicide attempts. It is also concerned that the Child Guidance Clinics have significant backlogs of cases. It is further concerned about the inadequate training of staff in children's homes, places of safety and juvenile correction centres.

47. **The Committee, referring to its general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child, recommends that the State party strengthen available quality mental health services and programmes for children and, in particular:**

(a) Take measures to increase the number of specialists in children's mental health and ensure adequate facilities as well as outpatient services for psychosocial rehabilitation;

(b) Take urgent action to strengthen efforts to prevent suicide among children and adolescents, including by increasing psychological counselling services and the number of social workers in schools and communities;

(c) Ensure that Child Guidance Clinics are adequately resourced and staffed to address the backlog in cases effectively;

(d) Ensure the training of all professionals working with children to identify and address early suicidal tendencies and mental health problems, in particular in children's homes, places of safety and juvenile correction centres.

Adolescent health

48. The Committee welcomes the information that family planning programmes have been successful in reducing the overall adolescent fertility rate and that the State party intends to continue to focus on providing comprehensive sexual and reproductive health education and services for children and adolescents. The Committee also notes the initiatives to reduce sexually transmitted infections in the State party and, in particular, the progress in slowing HIV transmission. The Committee is concerned, however, about the following:

(a) The still high teenage pregnancy rate, the widespread prevalence of sexually transmitted infections among adolescents and the high rate of HIV infection, especially among adolescent girls;

(b) Poor access to sexual and reproductive health-care information and services, and no access to health-care services without parental consent for adolescents under the age of consent;

(c) No comprehensive study to assess the nature and scope of adolescent health problems has been undertaken by the State party, including with respect to HIV/AIDs.

49. **In the light of its general comment No. 4 (2003) on adolescent health and development, the Committee recommends that the State party:**

(a) Promote age-appropriate sexual education targeted at adolescents, with special attention to the prevention of teenage pregnancies and sexually transmitted infections, including HIV/AIDS, and undertake awareness-raising and education programmes, including campaigns, about sexual and reproductive health issues for all segments of society, in particular, rural communities and poor households;

(b) Take measures to raise awareness of and foster responsible parenthood and sexual behaviour, with particular attention to boys and men;

(c) Finalize the guidelines and tools being developed by the Ministry of Education to assist school personnel to assess and refer students in need of sexual and reproductive health services and commodities to appropriate services, and finalize and implement the draft Integrated Strategic Plan for Sexual Health and HIV (2014–2019);

(d) Undertake legal and policy reform to increase the availability of sexual and reproductive health information and services, including confidential and youth-friendly health services throughout the country, and ensure the availability of contraceptive services to adolescents without parental consent;

(e) Undertake a comprehensive study to assess the nature and extent of adolescent health problems, with the full participation of adolescents, as a basis for future health policies and programmes.

Impact of climate change on the rights of the child

50. While noting as positive the fact that the State party has established guidelines for child-friendly disaster management and response through the Special Safety and Protection Initiative of its Office of Disaster Preparedness and Emergency Management, the Committee is concerned at the adverse impact of climate change and natural disasters on the rights of the child, including the rights to education, health, adequate housing, safe and drinkable water and sanitation. It is also concerned that natural disasters have the potential to undermine the social safety net of the State party, with negative consequences for children and families exposed to poverty.

51. **The Committee recommends that the State party develop strategies to reduce the vulnerabilities of and risks for children and families which may be occasioned or exacerbated by climate change, including by mainstreaming child-specific and child-sensitive risk and vulnerability reduction strategies into its national plan on climate change and disaster preparedness and emergency management, and by strengthening its social safety nets and social protection framework so as to mitigate the multiple social, economic and environmental impacts of climate change more effectively.**

Standard of living

52. The Committee notes that the State party implements a number of targeted social assistance programmes, including the Social Projection Project, the Poor Relief System and the Programme of Advancement through Health and Education (PATH). The Committee is concerned, however, about the high proportion of children living below the poverty line, that the social safety net does not protect children and single parents adequately, and that children are increasingly at risk of being exposed to poverty, which affects the enjoyment of many of the rights protected by the Convention, including the rights to health, education and social protection.

53. **The Committee urges the State party to:**

(a) Intensify its efforts to address, both in the short term and in a sustained manner, the high level of child poverty, including through the design of public policies and a national plan to combat child poverty;

(b) Strengthen all social protection programmes in order to continue to improve outcomes for children, and strengthen poverty reduction strategies, including by implementing the National Development Plan: Vision 2030 Jamaica, in order to address the multidimensional nature of child poverty with a view to establishing a coherent framework identifying priority action against the exclusion of children, with specific and measurable objectives, clear indicators, deadlines and sufficient economic and financial support;

(c) Partner with UNICEF and other development associates to promote a comprehensive and coherent strategy to guarantee children a minimum level of access to basic services and financial security, especially in rural areas, and create a nationally defined social protection floor, as part of the Social Protection Floor Initiative of the United Nations.

G. Education, leisure and cultural activities (arts. 28–31 of the Convention)

Education, including vocational training and guidance

54. The Committee commends the State party for the high levels of school enrolment, and welcomes the numerous initiatives to improve the quality of education, the programmes that foster a safe environment in school, the gender initiative and the policy for the

reintegration of school-age mothers into the education system. It also welcomes the information that the number of secondary school places is being increased. The Committee, however, is concerned about:

(a) The relatively low educational achievements of children in the State party, in particular boys and children from economically disadvantaged communities;

(b) The insufficient number of professionally trained teaching staff in rural areas and inadequate teacher training and materials, in particular at the early childhood level;

(c) Insufficient access to education by children from low-income families, and the shortage of upper secondary school places;

(d) The number of students, especially boys, who drop out of school, and violence in schools.

55. **In the light of its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party:**

(a) Allocate sufficient financial resources for the development and expansion of early childhood education, based on a comprehensive and holistic policy of early childhood care;

(b) Continue to improve the accessibility and quality of education for all children, and provide quality training for teachers, with particular emphasis on rural areas;

(c) Ensure access to education regardless of ability to pay auxiliary fees, especially for children in vulnerable situations, and continue to expand its capacity to address the shortage of school facilities;

(d) Strengthen efforts to reduce the premature dropout rate, especially among boys, including by addressing the reasons behind the non-completion of schooling, and develop and promote quality vocational training to enhance the skills of children, especially those who drop out of school;

(e) Mainstream gender equality policies in the education sector, ensuring that gender issues and sensitivity training are made an integral, substantive and mandatory component of teacher training at all levels, in particular to address the situation of boys in the State party;

(f) Implement the Compulsory Education Policy, the Safe Schools Policy, and the School-wide Positive Behaviour Intervention and Support Framework.

H. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40 of the Convention)

Children in situations of migration

56. The Committee is concerned about the impact of migration on children, especially those left behind, as well as challenges in securing maintenance from parents who have migrated abroad.

57. **The Committee recommends that the State party undertake a comprehensive study on all aspects of migration's impact on children in the country and the role of child protection and social protection systems in providing services for children affected by migration. It also recommends that the State party develop national policy and guidelines for all ministries, agencies and departments providing services to children of migrants and all children affected by migration, including measures to**

secure maintenance from parents working abroad. The Committee further recommends that the State party take all necessary measures to ensure the recovery of maintenance from abroad by entering into bilateral agreements with the major States of employment of Jamaican migrant workers, and that it ratify the Hague conventions and other conventions relative to the subject.

Economic exploitation, including child labour

58. The Committee welcomes the ratification in 2003 of the International Labour Organization (ILO) Convention No. 138 (1973) concerning Minimum Age for Admission to Employment and ILO Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, as well as the numerous social programmes to address the worst forms of child labour. The Committee is concerned, however, about:

(a) The number of children involved in child labour, the majority of whom are found in the agricultural and construction sectors, and in domestic service;

(b) The lack of legal clarity with respect to light work for children aged 13 to 14, and hazardous occupations prohibited for children under 18 years;

(c) The absence of a law prohibiting the procuring or offering of a child for illicit activities, including drug trafficking and production;

(d) Delay in the implementation of the National Plan of Action on Child Labour, and the enactment of the draft Occupational Safety and Health Act;

(e) The lack of disaggregated data on child labour.

59. **The Committee recommends that the State party:**

(a) Take measures to prevent children from being economically exploited, by adopting legislation and policies to address child labour in both the formal and informal sectors, by ensuring compliance with article 32 of the Convention and relevant ILO standards and, in particular, by providing clarity with respect to authorized light work for children aged 13 to 14 and hazardous occupations prohibited to children under 18 years, as well as by prohibiting the procuring or offering of a child for any illicit activity;

(b) Implement without delay the National Plan of Action on Child Labour, and adopt the draft Occupational Safety and Health Act;

(c) Continue to raise awareness on the negative consequences of child labour through public education programmes, including campaigns, organized in cooperation with opinion leaders, families and the media;

(d) Strengthen data collection to assess adequately the situation of child labour in the State party and explore ways to implement a system to track child labourers after they have been identified and/or removed from child labour;

(e) Consider ratifying ILO Convention No. 189 (2011) concerning Decent Work for Domestic Workers;

(f) Seek technical assistance from the ILO International Programme on the Elimination of Child Labour.

Children in street situations

60. The Committee welcomes the information regarding initiatives by the State party to address children in street situations. It reiterates, however, its concern (CRC/C/15/Add.201,

para. 52) about children in street situations and issues relating to this phenomenon, including substance abuse, HIV/AIDS and sexual exploitation of children in street situations.

61. **The Committee recommends that the State party continue to strengthen its efforts to protect children in street situations and reduce their number, including by identifying the underlying causes, such as poverty, family violence, migration and lack of access to education, with the aim of preventing and reducing this phenomenon, and developing a comprehensive strategy. The Committee also recommends that the State party provide adequate protection and assistance for recovery and reintegration to children in street situations, including shelter, education and vocational training, adequate health-care services, including HIV/AIDS screening, and other social services, including substance abuse programmes and mental health counselling.**

Sale, trafficking and abduction

62. The Committee welcomes the adoption of the amendment to the Trafficking in Persons Act, the numerous awareness-raising activities carried out by the National Task Force against Trafficking in Persons and the information concerning various social services provided to victims of trafficking. The Committee notes, however, that the State party is a source, transit and destination country for adults and children subjected to sex trafficking and forced labour, and is concerned about reports of children being coerced to engage in commercial sex, including sex tourism, in the State party.

63. **The Committee recommends that the State party:**

(a) Step up the implementation of the National Plan of Action for Combating Trafficking in Persons in Jamaica, and strengthen efforts to combat child trafficking for the purposes of sexual exploitation and forced labour;

(b) Establish a monitoring mechanism for the investigation and redress of such abuses, with a view to improving accountability, transparency and the prevention of violations of the Convention, and ensure the effective prosecution and punishment of those who exploit children for the purposes of prostitution, forced labour or pornography;

(c) Continue to implement appropriate policies and programmes for the recovery and social reintegration of child victims, ensuring that education and training, as well as counselling, health care and other social services, are provided to them, in accordance with the outcome documents adopted at the World Congresses against Commercial Sexual Exploitation of Children;

(d) Strengthen the regulation of and engagement with the private sector, particularly the tourism industry, with regard to the prevention, monitoring and reporting to relevant authorities of cases of child trafficking and commercial sexual exploitation of children;

(e) Expand public education campaigns on identifying possible victims and perpetrators, preventive measures and avenues for assistance and redress, and on the World Tourism Organization (UNWTO) Global Code of Ethics for Tourism within the tourism industry.

Administration of juvenile justice

64. The Committee welcomes the various initiatives to assist children in conflict with the law, including the project on Reducing the Juvenile Population in State-supported Institutions in Jamaica, the Unite for Change campaign, the National Child Diversion Policy, the Child Justice Guidelines, the training workshops supported by UNICEF, and

information concerning the establishment of child-friendly police stations with children-only holding areas. However, the Committee is concerned about:

(a) The increasing number of children in conflict with the law;

(b) The illegal detention of children in police lock-ups;

(c) The grouping together of children in juvenile facilities with no separation based on category, offence, age or special need;

(d) The inadequate psychological and educational services provided to children in juvenile facilities;

(e) The fact that children may still be sentenced to life imprisonment;

(f) The inadequate training of correctional officers who interface with children, and the lack of access by judges to sources of information, including copies of current legislation, computers and the Internet.

65. **In line with its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system into line with the Convention, and, in particular, the Committee recommends that the State party:**

(a) Adopt a holistic and preventive approach to addressing the problem of children in conflict with the law and its underlying social factors, with a view to supporting children at risk at an early stage, including by expanding intervention programmes, vocational training and other outreach activities;

(b) Promote restorative justice and alternative measures to detention, such as diversion, probation, mediation, counselling or community service, wherever possible, taking into consideration gender-differentiated programmes for boys and girls in conflict with the law, and ensure that detention is used as a last resort and for the shortest possible time and that it is reviewed on a regular basis with a view to its withdrawal;

(c) In cases where detention is unavoidable, ensure that adequate facilities exist for children in conflict with the law, that children are not detained with adults and that detention conditions comply with international standards, including with regard to access to education and health services;

(d) Provide effective rehabilitation services, including mental health counselling and substance abuse treatment, as well as effective social skills development and education, including vocational training programmes;

(e) Take measures to abolish life imprisonment for children in the State party;

(f) Enhance the skills and specialization of all relevant actors in the juvenile justice system, including law enforcement personnel, lawyers, judges and social workers, and strengthen the judiciary, including by providing adequate resources and access to necessary information, including copies of updated relevant legislation, computers and the Internet;

(g) Make use of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and its members, including OHCHR, UNICEF, the United Nations Office on Drugs and Crime and non-governmental organizations, and seek technical assistance in the area of juvenile justice from members of the Panel.

I. Ratification of the Optional Protocol on a communication procedure

66. The Committee recommends that the State party ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure in order to further strengthen the fulfilment of children's rights.

J. Ratification of international human rights instruments

67. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance. The Committee also recommends that the State party ratify the optional protocols to the core human rights treaties deposited with the Secretary-General of the United Nations.**

68. The Committee urges the State party to fulfil its reporting obligations under the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, the reports on which have been overdue since 9 June 2004 and 26 September 2013, respectively.

K. Cooperation with regional and international bodies

69. **The Committee recommends that the State party continue its cooperation with the Caribbean Community (CARICOM) and the Organization of American States (OAS) towards the implementation of the Convention and the promotion of children's rights, both in the State party and in other member States of CARICOM and OAS.**

IV. Implementation and reporting

A. Follow-up and dissemination

70. **The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented by, inter alia, transmitting them to the Governor-General, the Prime Minister, the Parliament, relevant ministries, the Resident Magistrates' Courts, the Court of Appeal, the Supreme Court, the Caribbean Court of Justice and local authorities, for appropriate consideration and further action.**

71. **The Committee also recommends that the combined third and fourth periodic reports and the present concluding observations of the Committee be made widely available in the languages of the country, including, but not exclusively, through the Internet, to the public at large, civil society organizations, the media, youth groups, professional groups and children, in order to generate debate and awareness of the Convention and its Optional Protocols and of their implementation and monitoring.**

B. Next report

72. **The Committee invites the State party to submit its combined fifth to seventh periodic reports by 12 December 2021 and to include therein information on the**

follow-up to the present concluding observations. The Committee draws attention to its harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr.1) and reminds the State party that future reports should be in compliance with the guidelines. In addition, in paragraph 16 of its resolution 68/268, adopted on 9 April 2014, the General Assembly decided to establish a word limit of 21,200 words for periodic reports submitted by States parties. In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. The Committee reminds the State party that if it is not in a position to review and resubmit the report, then translation of the report for the purpose of its consideration by the treaty body cannot be guaranteed.

73. **The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved at the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/GEN/2/Rev.6, chap. I). The word limit for core documents, as established by the General Assembly in paragraph 16 of its resolution 68/268, is 42,400 words.**